IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 18635 of 2004

Between:

C.Subba Rayudu, S/o.Venkat Rayudu, Aged 45 years,
R/o.Jammalamadugu, Kadapah District.

..... PETITIONER

AND

1. The Secretary , Regional Transport Authority, Kadapah,

Kadapah District.
2. The Motor Vehicle Inspector, Gudur, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing Registration No.AP.04 U 485 Vide Vehicle Check Report No.2864142, dt. 20/09/2004 as illegal, arbitrary and unconstitutional and consequently direct the respondents to release the vehicle bearing No. AP. 04 U 485.

Counsel for the Petitioner: MR.B.CHANDRA SEKHAR
Counsel for the Respondent Nos.1&2 : GP FOR TRANSPORT

The Court at the stage of admission made the following :

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THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

Writ Petition No. 18635 of 2004

ORDER:

The petitioner is the owner of a vehicle-L.M.V. Jeep bearing Registration No. AP 04 U 485. The said vehicle was seized under Vehicle Check Report dated 20.09.2004 by the 2nd respondent on the ground that the petitioner failed to produce the documents of the vehicle at the time of checking.

2. The petitioner contends that he made an application for release of the vehicle, the first respondent did not entertain the same and further represents that he also submitted another representation on 30.09.2004 through registered post with acknowledgement due and the enquiry regarding the disposal of the vehicle is pending before the first respondent.

3. The petitioner is at liberty to approach the first respondent and produce the documents of the vehicle, if any, with him to enable the first respondent to pass appropriate orders. The first respondent has to consider as to whether the petitioner violated any provisions of the Motor Vehicles Act and whether the vehicle was not having valid documents or not.

4. The petitioner further submits that the vehicle is lying idle and it is exposed to sun and rain and if it remains like that, it is likely to be damaged. Therefore, he seeks a direction to the first respondent to release the vehicle for interim custody.

5. In view of the representation made by the petitioner, the writ petition is disposed of directing the first respondent to grant interim custody of the vehicle in question to the

petitioner on his depositing a sum of Rs.5,000/- (Rupees Five thousand only) with the following conditions:

i. that the vehicle in question shall not be alienated or transferred to any other person;

ii. that the vehicle shall be produced as and when required by the concerned authority;

iii. that the amount deposited shall be adjusted, if the authority found that the petitioner violated the provisions of the Motor Vehicles Act and Rules framed thereunder;

iv. that the petitioner shall pay the tax due as on today;

v. in the circumstances no order as to costs.

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Dr.G.YETHIRAJULU, J

Date:12th October, 2004.

Cs

NOTE:

Issue C.C. in two days.

B/O

Cs

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Secretary, Regional Transport Authority, Kadapah, Kadapah District.

2. The Motor Vehicle Inspector, Gudur, Nellore District.

3. Two C.Cs. to the Government Pleader for Transport, High Court Buildings, Hyderabad. (O.U.T.)

4. Two C.D. copies.